UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,888	04/06/2001	Chung Liu	PALM-3588.US.P	5564

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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/827,888	LIU ET AL.
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 January 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>29-35, 37-43, 45-51 and 53-56</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>29-35, 37-43, 45-51 and 53-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

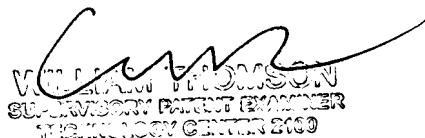8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 29-35, 37-43, 45-51 and 53-56 are pending in the application.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/13/06 and 1/4/07 have been entered.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 33, 35, 37, 42, 45, 50 and 53 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

  a. The following terms lacks antecedent basis:

    i. the currently executing program- claim 35.

    ii. the context packet control - claims 37 and 45.

    iii. the context packets- claims 37, 45 and 53.

  b. The following claim language is indefinite:

   i. As per claim 33, it is uncertain whether "a second indication" refers to "a second user request" in claim 29 (i.e. if they are the same then "said" or "the" should be used and "the second user request" must be used throughout all the claims). For examining purpose, they will be treated as the same for the remainder of this office action. Claims 42 and 50 are rejected for the same reason. In addition, there are too many errors to list individually, applicant should consider amending limitations in the dependent claims to properly reflect those of the independent claims (i.e. currently executing first program v. first currently executing program).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 29-30, 32-35, 38-39, 41-43, 46-47 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano (U.S. Patent 5,796,397), in view of Bogard (U.S. Patent 6,757,365).

7. Kusano was cited in the previous office action.

8. As to claim 29, Kusano teaches the invention substantially as claimed including a method of performing task switching in a portable processing device, the method comprising:

receiving a first user request to perform a task switch from a currently executing first

program on the portable processing device [abstract; col. 2, lines 9-14 and 58-67; col. 6, lines 4-

7];

displaying a task switching menu listing a plurality of programs installed on the portable

processing device that are useful to execute based at least partly on a currently executing

program [col. 2, lines 14-19, 53-55; col. 5, lines 33-35; Fig. 7];

receiving a selection from the user of one of the plurality of programs [col. 6, lines 47-55;

Fig. 8];

executing the selected one of a plurality of programs [abstract; col. 2, lines 9-19 and 43-

55; col. 4, lines 22-34; col. 6, lines 47-55].

9.   Kusano does not specifically teach listing <u>only</u> ones of a plurality of programs installed

on the portable processing device that are useful (Examiner's interpretation of "ones" as "one or

more" since the applicant failed to define nor preclude this limitation). However, Kusano

disclosed input items that have no matching items in the new application could be re-used and

data obtained by the switched application mode is applicable in a new application mode [col. 10,

lines 24-27; col. 4, lines 29-34]. It would have been obvious to one of an ordinary skill in the art

at the time the invention was made, to have modified the teaching of Kusano to list <u>only</u> ones of

a plurality of programs installed on the portable processing device that are useful to create a

more efficient menu that avoid fruitless attempts that would yield non-matching items as implied

by Kusano (i.e. not listing a clock, a calculator, etc. as displayed in Fig. 3 in the switch to

application type of Fig. 7).

10.   Furthermore , Kusano does not specifically teach context switching as recited. However,

Bogard teaches storing a program state associated with a display status when the first user

request was received of the first program into a first context packet [Bogard, col. 6, lines 53-63],

suspending execution of the first program [Bogard, col. 7, lines 28-30], and upon receiving a

second user request, suspending the execution of the selected program and resuming execution of

the first program with the associated display status based on the context packet [Bogard, col. 7,

lines 33-35; col. 9, lines 11-20].

11.   It would have been obvious to one of an ordinary skill in the art at the time the invention

was made, to have combined the teaching of Kusano with the teaching of Bogard, because the

teaching of Bogard enhances the task switching capability of Kusano by providing the ability to

switch between different programs and to return to the point where the user left off in the

currently activated program [Bogard, abstract; col. 6, lines 53-63].

12.   As to claim 30, Kusano as modified teach the invention substantially as claimed

including wherein the task switching menu is a pull-down menu [Fig. 7; col. 3, lines 35-36; col.

5, line 34].

13.   As to claim 32, this claim is rejected for the same reason as claim 29 above.

14.   As to claim 33, this claim is rejected for the same reason as claim 29 above.

15.   As to claim 34, Kusano as modified teach executing a non-multitasking operating system

on the portable processing device [Bogard, col. 6, lines 45-52].

16.   As to claim 35, this claim is rejected for the same reason as claim 29 above.

17.   As to claim 38, this claim is rejected for the same reason as claim 29 above. In addition,

Kusano as modified teach the invention substantially as claimed including a portable processing

device comprising:

    at least on processor [5, Fig. 1; 13, Fig. 2];

    a display device [4, Fig. 1; 11, 16, Fig. 2];

    an input device [1, Fig. 1; 15, 16, Fig. 2];

    a memory [1, 3, 6, Fig. 1; 12, 14, Fig. 2]; and

    a bus connecting the at least on processor, the display device, the input device, and the

memory [col. 4, lines 7-48; Figs. 1-2].

18.   As to claims 39 and 41-43, these claims are rejected for the same reason as claims 30,

and 32-34 above.

19.   As to claims 46-47 and 49-51, these claims are rejected for the same reason as claims 29-

30 and 32-34 above.

20.   Claims 31, 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kusano and Bogard as applied to claims 29, 38 and 46 above, in view of Bodin et al (hereafter

Bodin) (U.S. Patent 5,675,762).

21.   Bodin was cited in the previous office action.

22.   As to claim 31, Kusano and Bogard do not specifically teach releasing temporary

memory used by the first currently executing program. However, Bodin teaches the releasing of

memory used by a currently running program when the currently running program is switch to

the background [Bodin, col. 6, lines 44-47; col. 2, lines 49-52; 420, Fig. 5]. It would have been

obvious to one of an ordinary skill in the art at the time the invention was made, to have

combined the teaching of Kusano, Bogard and Bodin because Bodin's method of releasing

memory of currently running program would improve the resource management and

performance of Kusano and Bogard's system by allowing re-use of memory once the program is

suspended.

23.   As to claims 40 and 48, these claims are rejected for the same reason as claim 31 above.

24.   Claims 37, 45, 53 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kusano and Bogard as applied to claims 29, 38 and 46 above, in view of Song et al.

(hereafter Song) (U.S. Patent 6,061,711).

25.   Song was cited in the previous office action.

26.   As to claims 37 and 54, Kusano and Bogard do not specifically teach providing a context

packet control panel to permit the user to set at least one parameter that affects context packets,

and to manage an amount of memory used by the context packets. However, Song teaches that

an application programmer could choose an appropriate point at a location in the executing

program that requires preserving a minimal portion of the processor information across a context

switch [Song, abstract, lines 20-30; col. 2, lines 16-21]. It would have been obvious to one of an

ordinary skill in the art at the time the invention was made, to have combined the teaching of

Kusano, Bogard and Song to further enhance the efficiency in resource management of Kusano

and Bogard to improve processor performance [Song, col. 1, line 43-col. 2, line 9].

27.   As to claims 45, 53 and 55-56, these claims are rejected for the same reason as claims 37

and 54 above.

Response to Arguments

28.   Applicant's arguments filed 1/4/07 have been fully considered but are moot in view of the

new ground of rejection.

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The

examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

       Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Patent Examiner

Art Unit 2194